

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division

IN RE: § Case No. 1:14-cv-01748
TESTOSTERONE REPLACEMENT §
THERAPY PRODUCTS LIABILITY § MDL No. 2545
LITIGATION §
§
THIS DOCUMENT RELATES TO ALL §
CASES §

**CHRISTOPHER T. KIRCHMER'S APPLICATION FOR APPOINTMENT TO THE
PLAINTIFFS' STEERING COMMITTEE and/or THE PLAINTIFFS' EXECUTIVE
COMMITTEE**

Christopher T. Kirchmer of Provost★Umphrey Law Firm, L.L.P. makes this application to be appointed as a member of the Plaintiffs' Steering Committee and/or the Plaintiffs' Executive Committee based on the following qualifications:

Mr. Kirchmer graduated from the University of Texas School of law in 1995 and has practiced personal injury trial law with Provost★Umphrey Law Firm, L.L.P. in the 19 years since. Mr. Kirchmer has focused exclusively on pharmaceutical and medical device litigation for the last 9 years. He is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.

Mr. Kirchmer was appointed to and still serves on the Plaintiffs' Steering Committee in the MDL no. 1507, *In re: Prempro Products Liability Litigation*, Cause No. 4:03-cv-1507-BRW where Mr. Kirchmer served as the lead trial lawyer in two bellwether trials: *Gloria Jean Curtis, et al v. Wyeth, Inc., et al*; Case No. 3:05-cv-00074-BRW, and *Margaret Wilson, et al v. Wyeth, Inc., et al*; Cause No. 3:05-cv-00078-BRW.

Mr. Kirchmer has handled cases in pharmaceutical and medical device MDL's including: MDL No. 2545, *In Re: Testosterone Replacement Therapy Products Liability Litigation*, Cause No. 1:14-cv-01748; MDL No. 1507, *In Re: Prempro Products Liability*

Litigation, Cause No. 4:03-cv-01507; MDL No. 1626, *In Re: Accutane Products Liability Litigation*, Cause No. 8:04-md-02523; MDL No. 1905, *In Re: Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, Cause No. 0:08-md-01905; MDL No. 1789, *In Re: Fosamax Products Liability Litigation*, Cause No. 1:06-md-01789; MDL No. 1842, *In Re: Kugel Mesh Hernia Patch Products Liability Litigation*, Cause No. 1:07-md-01842; MDL No. 1871, *In Re: Avandia Marketing, Sales Practices and Products Liability Litigation*, Cause No. 2:07-md-01871; MDL No. 1909, *In Re: Gadolinium Contrast Dyes Products Liability Litigation*, Cause No. 1:08-gd-50000; MDL No. 1943, *In Re: Levaquin Products Liability Litigation*, Cause No. 0:08-md-01943; MDL No. 1953, *In Re: Heparin Products Liability Litigation*, Cause No. 1:08-hc-60000; MDL No. 2051, *In Re: Denture Cream Products Liability Litigation*, Cause No. 1:09-md-02051; MDL No. 2100, *In Re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, Cause No. 3:09-md-02100; MDL No. 2158, *In Re: Zimmer Durom Hip Cup Products Liability Litigation*, Cause No. 2:09-cv-04414; MDL No. 2197, *In Re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, Cause No. 1:10-md-02197; MDL No. 2244, *In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, Cause No. 3:11-md-02244; MDL No. 2187, *In Re: C.R. Bard, Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:10-md-02187; MDL No. 2325, *In Re: American Medical Systems, Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02325; MDL No. 2326, *In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02326; MDL No. 2327, *In Re: Ethicon Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02327; MDL No. 2226, *In Re: Darvocet, Darvon and Propoxyphene Products Liability Litigation*, Cause No. 2:11-md-02226; MDL No. 2299, *In Re: Actos (Pioglitazone) Products Liability Litigation*, Cause No. 6:11-md-02299; MDL No. 2385, *In Re: Pradaxa (Dabigatran*

Etexilate) Products Liability Litigation, Cause No. 3:12-md-02385; MDL No. 2434, and *In Re: Mirena IUD Products Liability Litigation*, Cause No. 7:13-md-2434.

Provost★Umphrey Law Firm, L.L.P. has been a leader in mass tort and complex litigation since initiating and serving as lead counsel in *Cimino v. Raymark Industries, Inc.*, the landmark consolidation of 2,298 asbestos cases. The firm was appointed Lead Counsel in the \$17.3 billion Texas Tobacco Litigation by Texas Attorney General Dan Morales. Provost★Umphrey has attorneys that currently serve or have served on the following committees: Texas Asbestos MDL Liaison Committee; the Trust Advisory Committee (TAC) for the JT Thorpe, Shook Fletcher, Asarco, AC&S, Kaiser Silica, APG Silica and DII Silica Trusts; the Asbestos Creditors Committees for Pittsburgh Corning; Executive Committee, Steering Committee and Discovery Committee in *City of West, Texas v. CF Industries Sales, LLC, et al.*, Cause No. 2013-2476-4 (the West Fertilizer Explosion Litigation); Financial Institutions Damages Committee for MDL No. 2522, *In Re: Target Corporation Customer Data Security Breach Litigation*, Cause No. 14-cv-00203 PAM/JJK; and Special State Counsel Committee for MDL No. 1401, *In Re: Sulzer Hip Prosthesis & Knee Prosthesis*, Cause No. 1:00-cv-00569.

Provost★Umphrey Law Firm, L.L.P. has served as class counsel in the following class actions: *Orlando's Bakery, et al v. Tennessee Eastman Chemical Co, et al*, Cause No. 99-560-11 a Tennessee class action against several chemical companies alleging price fixing in the sale of food preservatives; *Middle Tennessee Teamsters Healthcare Trust Fund v. Mylan Laboratories, Inc.*, Cause No. 98-3833-II a Tennessee class action on behalf of third party payors alleging violations of various state antitrust laws; *Connecticut State Employees Retirement Fund v. Waste Management, Inc.*, Lead Cause No. H-99-2183 a class action alleging securities fraud; and *Bouaphakeo, et al v. Tyson Foods, Inc.*, (SD IA) Cause No. 5:07-cv-04009; *Acosta v. Tyson Foods, Inc.*, (D. NE) Cause No. 8:08-cv-000086; and *Gomez v. Tyson Foods, Inc.*, (D. NE)

Cause No. 8:08-cv-00021, class actions on behalf of meatpacking workers alleging violations of the FLSA and state wage laws; *Matthews Smith, et al v. Texaco, Inc., Texaco Chemical Company and Star Enterprise, Inc.*, Cause No. 1:96-cv-00749 alleging racial discrimination against Texaco, Inc., Texaco Chemical Company and Star Enterprise, Inc.; *In Re: Light Cigarettes Marketing and Sales Practices Litigation*, Cause No. 1:09-md-02068-JAW alleging false advertisement; and *Susan Weatherford, et al v. Bridgestone/Firestone, Inc., et al*, Cause No. B-170, 462, alleging tire defects in Ford rollover cases.

Provost★Umphrey Law Firm, L.L.P. has been counsel in the following qui tam cases: *U.S. Ex Rel. Roby v. Boeing Co.*, Cause No. C-1-95-375, alleging the use of defective gears in the Army Chinook Transport helicopters resulting in the loss of Marine soldiers' lives; *United States of America, Ex. Rel. J. Benjamin Johnson, Jr., et al v. Shell Oil Company, et al*; Case No. 9:96-CV-00066 alleging failure to pay oil royalties; and *USA, ex rel McNeese v. AmMed Direct, Inc.*, (MD TN) Cause No. 3:09-cv-0027, a False Claims Act suit alleging Medicare fraud based on violations of Medicare regulations governing sale of diabetic supplies.

Mr. Kirchmer is counsel of record in the following case in the Testosterone Replacement Therapy Products Liability Litigation, *Benjamin Rucker Betty, IV v. Pfizer, Inc., et al*; Case No. 14-cv-05006, which was originally filed June 11, 2014 in the Federal Middle District of Tennessee and has been transferred per CTO-4 to the Northern District of Illinois.

These are a representative selection of cases on which Mr. Kirchmer and Provost★Umphrey Law Firm, L.L.P. have worked. Mr. Kirchmer and the firm have the experience and resources necessary to work and fund a sufficient portion of the litigation to justify placement in a position of leadership. We respectfully request that the Court appoint Mr. Kirchmer to the Plaintiffs' Steering Committee and/or Plaintiffs' Executive Committee.

Respectfully submitted,

PROVOST ★ UMPHREY LAW FIRM, L.L.P.



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